

CHAPTER 11: STATEMENT OF COORDINATION

“Successful land use is a fine balance between individual property rights & plann(ing)–diversified (and) logical (and) best (achieved) through use of directed land usage through zoning, infrastructure development and future planning. An example of bad land use is the imposition of archaic & restrictive zoning between Whitefish and Kalispell along Hwy. 93 which should be commercial & light industry, not residential & farm-agricultural. There should be better protection of wetlands and rewards for those willing to develop, improve or enhance wetlands.”

-Whitefish resident, 01/12/06

Introduction

The Growth Policy does not have jurisdiction over all lands within Flathead County. Multiple individual planning jurisdictions are present. Lands under the jurisdiction of the National Forest Service, National Park Service, Salish-Kootenai Confederated Tribes, or Cities of Whitefish, Columbia Falls and Kalispell are not subject to the goals and policies of the Flathead County Growth Policy. However, growth in one area of Flathead County will impact all other areas as people, goods and services travel and live between jurisdictions. It is essential that Flathead County have a plan for coordinating with other jurisdictions on issues pertinent to protecting the public health, safety, morals, convenience, order, or general welfare in the process of community development (76-1-106 M.C.A.).

Goal

- G.45 Growth and development around Columbia Falls that respects the cultural, geographic and historic heritage of the city while providing essential facilities and services that protect and preserve the health, safety, and welfare of the natural and human environment.

Policies

- P.45.1 Maintain and continue coordination and review of the provisions of the existing interlocal agreement between Flathead County and the City of Columbia Falls.
- P.45.2 Maintain communication on planning issues adjacent to the interlocal agreement boundary.
- P.45.3 Annually review the provisions of the interlocal agreement for adequacy, accuracy and relevancy and revise as necessary.
- P.45.4 Encourage a statement of coordination on planning issues between the County and Columbia Falls.

Goal

- G.46 Growth and development around Kalispell that respects the cultural, geographic and historic heritage of the city while providing essential facilities and services that protect and preserve the health, safety, and welfare of the natural and human environment.

Policies

- P.46.1 Jointly identify areas around Kalispell appropriate for high density, urban development.
- P.46.2 Share plans for guiding growth away from hazardous and/or unhealthy lands.
- P.46.3 Identify areas most appropriate to be served by Kalispell or county sewer and water services. Share plans for extension of sewer and water facilities to increase the predictability of the community development process.
- P.46.4 Jointly identify areas around Kalispell appropriate to preserve through open-space development design incentives or acquisition of land for natural and/or recreation areas.
- P.46.5 Jointly identify areas around Kalispell likely to be annexed and appropriate for development to urban density, service and facility standards.
- P.46.6 Discourage urban-density development that lacks urban services *and* facilities.
- P.46.7 Encourage a statement of coordination on planning issues between the County and Kalispell.

Goal

- G.47 Growth and development around Whitefish that respects the cultural, geographic and historic heritage of the city while providing essential facilities and services that protect and preserve the health, safety, and welfare of the natural and human environment.

Policies

- P.47.1 Maintain and continue coordination and review of the provisions of the existing interlocal agreement between Flathead County and the City of Whitefish.

- P.47.2 Maintain communication on planning issues adjacent to the interlocal agreement boundary.
- P.47.3 Annually review the provisions of the interlocal agreement for adequacy, accuracy and relevancy and revise as necessary.
- P.47.4 Protect and preserve the many unique opportunities present in the natural and human environment.
- P.47.5 Encourage a statement of coordination on planning issues between the County and Whitefish.

Goal

- G.48 Communication and coordination during the development process, where appropriate, that respects the cultural heritage and jurisdictional integrity of the Flathead Indian Reservation and the Salish/Kootenai Confederated Tribes.

Policies

- P.48.1 Develop an interlocal agreement clarifying and codifying all jurisdiction, communication and coordination issues on lands within both the Flathead Indian Reservation and Flathead County as well as tribally-owned lands outside the Flathead Indian Reservation.
- P.48.2 Communicate on development occurring near and/or on lands designated as culturally significant to the Salish/Kootenai Confederated Tribes.
- P.48.3 Provide in the interlocal agreement for cultural clearance of development sites in Flathead County where defined Indian artifacts are uncovered during development.

Goal

- G.49 Federal and state land management that considers and respects the custom and culture of Flathead County residents.

Policies

- P.49.1 Actively participate in the process of planning for federal and state lands. This includes regular communication on issues of importance to Flathead County residents and commentary on effectiveness of existing plans.

- P.49.2 Regularly review and update the accuracy and relevance of the “Flathead County Natural Resource Use Policy, Custom and Culture Document.”
- P.49.3 Pursue a “statement of coordination” with state and federal land management agencies clarifying and codifying relevant jurisdictional issues including, but not limited to, fire response, fuel reduction, emergency services, road usage and access, water resources, timber, agriculture, noxious weeds and recreation access.
- P.49.4 Consider relevant state and federal planning documents when reviewing development proposals that will impact federal or state lands.

PART 1: Municipal Jurisdictions (see Goals 45 through 47)

Columbia Falls

2005 was the first year on record in which median home values in Columbia Falls exceeded those in Kalispell¹. Columbia Falls is a rapidly growing and changing community facing many challenges and opportunities. Many changes are occurring adjacent to city limits in areas that culturally and geographically identify with the City of Columbia Falls. It is appropriate that the City of Columbia Falls act to protect the public health, safety, morals, convenience, order, or general welfare in the process of community development (76-1-106 M.C.A.) in these areas. On January 12, 2005, under authorization by the Interlocal Cooperation Act (7-11-104 M.C.A.), the Flathead County Commissioners signed an interlocal agreement granting the City of Columbia Falls planning jurisdiction over an area adjacent to the city limits. The interlocal agreement contains provisions for future cooperation, coordination and communication between parties and an annual meeting to review boundaries of the agreement.

Kalispell

Kalispell is one of the fastest growing communities in Flathead County. Between 2000 and 2005 developments within the City of Kalispell added 19 miles of water lines, 24 miles of sewer lines and 19 miles of roads.² With a large portion of that growth taking place through annexations, the City of Kalispell is rapidly expanding into formerly rural areas of Flathead County. Change from rural or suburban to urban land uses has many impacts on both the City of Kalispell and Flathead County. Kalispell may annex and immediately provide urban services such as law enforcement, rapid emergency response, street cleaning, solid waste pickup, public sewer and water facilities, parks, and building safety oversight. However, many residents of Flathead County are not interested in becoming quickly enveloped by a rapidly growing city. Conversion to high density residential or commercial land uses brings a variety of undesirable impacts and additional needs of residents. Annexing and/or developing lands because sewer and water lines can

¹ The Daily Interlake, 04/02/06

² The Daily Interlake, 04/02/06

be engineered to reach them does not always serve the health, safety and welfare of both new and existing residents.

It is essential that the City of Kalispell and Flathead County coordinate and cooperate on issues of growth into rural areas. Some development that occurs under the jurisdiction of Flathead County should meet urban standards to prepare for inevitable annexation. Other development in rural areas should preserve rural character, even if it is annexed, to provide a healthy, natural environment for future generations of both county and Kalispell residents. Coordination and cooperation between Kalispell and Flathead County would lead to easier identification of lands on which the impacts to health and safety dictate certain types of development both now and in the future.

Whitefish

The City of Whitefish has a unique character and economy based on a history of railroading and tourism. Real estate and construction have emerged as additional drivers of the Whitefish economy. Whitefish is a rapidly expanding municipality with an economy that depends in part on maintaining the unique “mountain ski resort” character. However, some drivers of the Whitefish economy that are closely linked to the character of the town are located just outside city limits. When economic success is inextricably linked to preserving and maintaining the unique character of a municipality and adjacent areas, it is appropriate for the municipality to have jurisdiction over those areas.

On February 1, 2005, under authorization by the Interlocal Cooperation Act (7-11-104 M.C.A.), the Flathead County Commissioners signed an interlocal agreement granting the City of Whitefish planning jurisdiction over an area adjacent to city limits. The interlocal agreement contains provisions for future cooperation, coordination and communication between parties and an annual meeting to review boundaries of the agreement. The agreement also transfers jurisdiction of Lakeshore Protection Regulations on Whitefish Lake to the City of Whitefish.

PART 2: Tribal Jurisdictions (see Goal 48)

The Flathead Indian Reservation contributes approximately 29,864 acres to Flathead County. Approximately 24,315 acres of this total are owned by the Salish/Kootenai Confederated Tribes and are not under the jurisdiction of the Flathead County Growth Policy. Fee lands owned privately by a member of any tribe are not under the jurisdiction of the Flathead County Growth Policy. During the writing of the 2006 Growth Policy, Flathead County Planning and Zoning staff met with planners from the Salish/Kootenai Confederated Tribes. Much of the discussion centered on understanding jurisdictional issues pertaining to tribal lands. It was obvious that Flathead County and the Salish/Kootenai Confederated Tribes would both benefit from an interlocal agreement codifying jurisdictional issues.

The Salish/Kootenai Confederated Tribes are interested in protecting and preserving their rich heritage, and Flathead County is in a position to aid that interest. Opportunities are

available for coordination and cooperation during the development process on issues such as wetlands, floodplains, cultural protection, subdivision, road naming etc. on non tribal owned lands within Flathead Indian Reservation and Flathead County. Growing development pressures throughout Flathead County will eventually impact the small percentage of lands held by tribal interests. It is better to be prepared with knowledge and understanding rather than sort through issues at the last minute.

PART 3: Federal and State Jurisdictions (see Goals 49)

Federal and state lands contribute a substantial percentage of the overall acreage of Flathead County (see Chapter 2: Land Uses). Land use planning on federal and state lands is the jurisdiction of the federal and state government, respectively. Plans created to manage federal or state lands for the best interest of all citizens have the potential to impact local natural and human environment and economy in a variety of ways. While residents of one county or local area may not dictate solely management practices on lands owned by everyone in the state, it is essential that local residents communicate the local consequences of federal and state management practices. Flathead County's role should be to familiarize and educate federal and state planners and decision makers about local consequences of land management practices. A document created to fulfill this role was created by Flathead County in the summer of 2005. The "Flathead County Natural Resource Use Policy, Custom and Culture Document" was written to explain the importance of natural resources to the residents of Flathead County and be used in consideration of local needs by federal and state planners. By communicating local needs for federal and state lands, Flathead County will actively protect public health, safety, morals, convenience, order, or general welfare (76-1-106 M.C.A.) of its residents.